

51 Main Document
10/6/27

CIVIL COVER SHEET

JS 44C/SDNY
REV. 1/97
WEB 4/99

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Securities Investor Protection Corporation

DEFENDANTS

Bernard L. Madoff Investment Securities LLC

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Attorneys for Appellant Collace Services Limited
Withers Bergman LLP, 430 Park Avenue, 10th Floor
New York, NY 10022, 212-848-9800

ATTORNEYS (IF KNOWN)
Attorneys for Trustee/Appellee
Baker & Hostetler LLP, 45 Rockefeller Plaza
New York, NY 10111, 212-589-4200

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

28 U.S.C. § 158: appeal from decision and order of U.S. Bankruptcy Court

Has this or a similar case been previously filed in SDNY at any time? No? Yes? Judge Previously Assigned: Denise L. Cote

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

(PLACE AN [X] IN ONE BOX ONLY)

NATURE OF SUIT

08-1789 #4235

ACTIONS UNDER STATUTES

CONTRACT		TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
		PERSONAL INJURY	PERSONAL INJURY		
[] 110 INSURANCE		[] 310 AIRPLANE	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 610 AGRICULTURE	[] 400 STATE REAPPORTIONMENT
[] 120 MARINE		[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY PROPERTY LIABILITY	[] 620 FOOD & DRUG SEIZURE OF PROPERTY	[] 410 ANTITRUST
[] 130 MILLER ACT		[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 625 DRUG RELATED 21 USC 881	[] 430 BANKS & BANKING
[] 140 NEGOTIABLE INSTRUMENT		[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 630 LIQUOR LAWS	[] 450 COMMERCE/ACC RATES/ETC	
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT		[] 340 MARINE PRODUCT LIABILITY	[] 640 RR & TRUCK SAFETY/HEALTH	[] 460 DEPORTATION	
[] 151 MEDICARE ACT		[] 345 MARINE LIABILITY	[] 650 AIRLINE REGS	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)		[] 350 MOTOR VEHICLE	[] 660 OCCUPATIONAL SAFETY/HEALTH	[] 810 SELECTIVE SERVICE	
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS		[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 690 OTHER	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE	
[] 160 STOCKHOLDERS SUITS		[] 360 OTHER PERSONAL INJURY	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[] 875 SOCIAL SECURITY CUSTOMER CHALLENGE	
[] 190 OTHER CONTRACT			[] 710 FAIR LABOR STANDARDS ACT	[] 861 MIA (1395FF) 12 USC 341D	
[] 195 CONTRACT PRODUCT LIABILITY			[] 720 LABORMGMT RELATIONS	[] 862 BLACK LUNG (923) [] 863 DIVC (405(g)) [] 864 SSID TITLE XVI	
		ACTIONS UNDER STATUTES	[] 730 LABORMGMT REPORTING & DISCLOSURE ACT	[] 865 RSI (405(g))	
			[] 740 RAILWAY LABOR ACT	FEDERAL TAX SUITS	
			[] 790 OTHER LABOR LITIGATION	[] 870 TAXES	
			[] 791 EMPL RETINC SECURITY ACT	[] 871 IRS-THIRD PARTY 20 USC 7609	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			[] 890 ENERGY ALLOCATION ACT
[] 210 LAND CONDEMNATION	[] 441 VOTING	[] 510 MOTIONS TO VACATE SENTENCE		[] 895 FREEDOM OF INFORMATION ACT	
[] 220 FORECLOSURE	[] 442 EMPLOYMENT			[] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE	
[] 230 RENT LEASE & EJECTMENT	[] 443 HOUSING ACCOMMODATIONS	[] 530 HABEAS CORPUS		[] 950 CONSTITUTIONALITY OF STATE STATUTES	
[] 240 TORTS TO LAND	[] 444 WELFARE	[] 535 DEATH PENALTY		[] 890 OTHER STATUTORY ACTIONS	
[] 246 TORT PRODUCT LIABILITY	[] 440 OTHER CIVIL RIGHTS	[] 540 MANDAMUS & OTHER			
[] 290 ALL OTHER REAL PROPERTY		[] 550 CIVIL RIGHTS			
		[] 555 PRISON CONDITION			

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE Denise L. Cote DOCKET NUMBER 11-cv-05683

Check YES only if demanded in complaint

JURY DEMAND: YES NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN X IN ONE BOX ONLY)

ORIGIN

- 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from (Specify District) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judge Judgment

(PLACE AN X IN ONE BOX ONLY)

BASIS OF JURISDICTION

- 1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION (U.S. NOT A PARTY) 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] 1	DEF [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF [] 3	DEF [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] 5	DEF [] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4	[] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES) (Calendar Rule 4(A))

Appellant: Collace Services Limited
Withers Bergman LLP
c/o Chaya F. Weinberg-Brodt
430 Park Avenue, 10th Floor
New York, N.Y. 10022
212-848-9800

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES) (Calendar Rule 4(A))

Appellee/Trustee:
Baker & Hostetler LLP
c/o Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC
45 Rockefeller Plaza
New York, N.Y. 10111

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS FOLEY SQUARE
(DO NOT check either box if this a PRISONERPETITION.)

DATE
8/22/2011
RECEIPT #

SIGNATURE OF ATTORNEY OF RECORD

Chaya F. Weinberg-Brodt

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
 YES (DATE ADMITTED Mo. June Yr. 1993)
Attorney Bar Code # 4676

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

James M. Parkison, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)